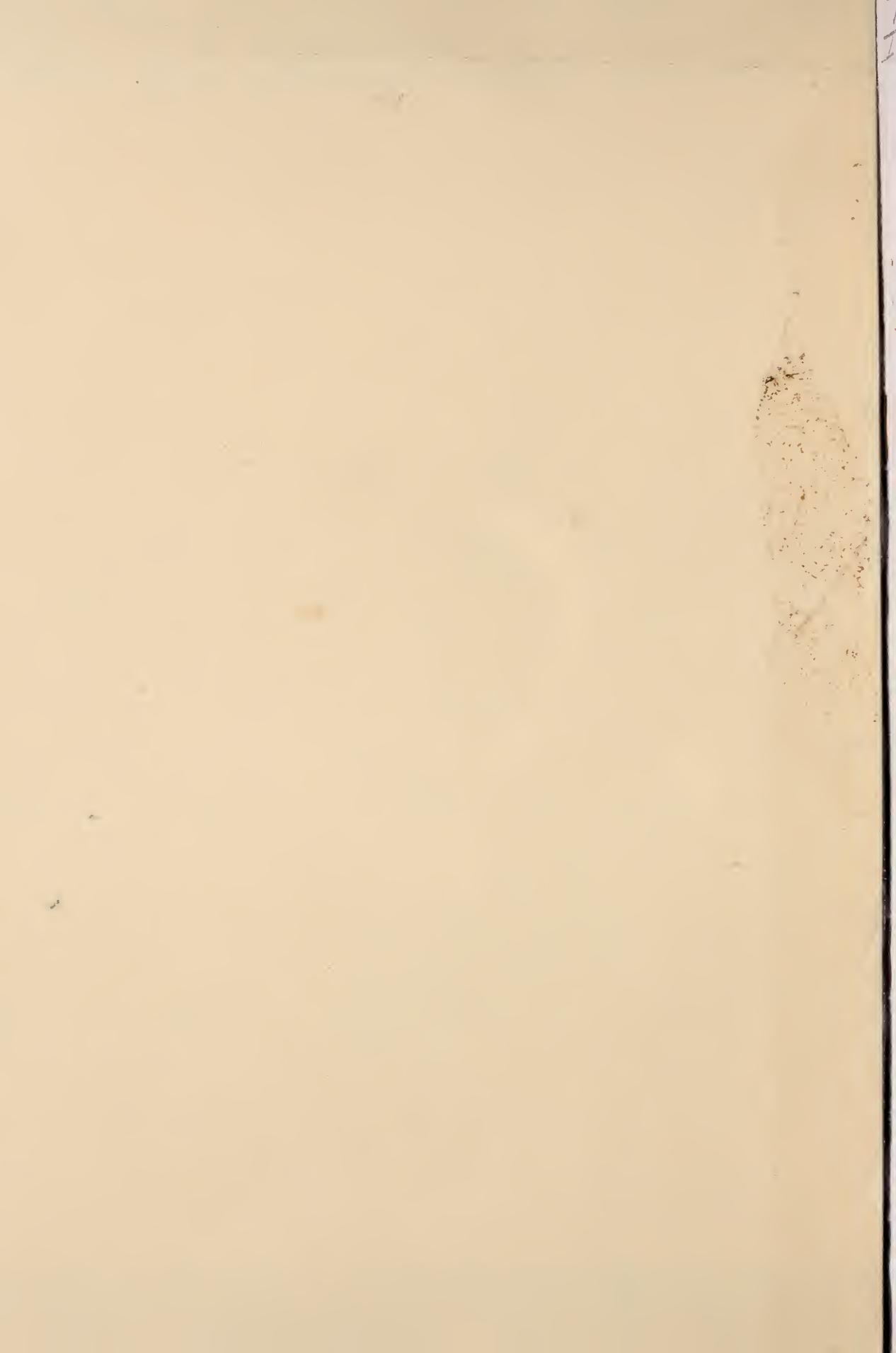


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UNITED STATES DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

2016-2040

The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication, as provided in section 4 of the Insecticide Act of 1910 (7 U. S. C. 121-134).

JOHN I. THOMPSON,
Assistant Administrator,
Production and Marketing Administration.

WASHINGTON, D. C., August 4, 1950.

2016. Misbranding of "Tote." U. S. v. Speed Chemical Company, a corporation. Plea of guilty. Fine \$300. (I. & F. No. 2394. I. D. Nos. 5539 and 5590.)

Analysis of a sample of "Tote" showed that the product consisted of mineral oil, an organic thiocyanate, phenols, and nitrobenzene. Analysis of a second sample of "Tote" showed that the product consisted of mineral oil, small amounts of phenols, and an organic thiocyanate. The first sample, when tested against flies in the Peet-Grady chamber, gave an average kill of 2 percent and an average knock-down of 46 percent. Under identical conditions the official test insecticide gave an average kill of 37 percent and an average knock-down of 84 percent. Both samples were ineffective against roaches.

On June 4, 1946, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against Speed Chemical Co., a corporation, alleging shipments in interstate commerce, on or about June 28, 1944, and February 8, 1945, from Brooklyn, N. Y., into the State of New Jersey, of quantities of "Tote," and charging that the product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the labels affixed to the cans in the shipment of June 28, 1944, stated in part: (1) "Tote Double Strength Kills * * * Flies Roaches * * * Guaranteed to kill insects * * * it is a killer of household insects * * * For * * * Flies All windows and doors should be closed, begin at farthest end of the room away from the door, spray towards the ceiling and cover every part of the room, keep door closed for a few minutes, this will kill mosquitoes and flies and the odor will keep others from entering * * * For Roaches Spray freely into all cracks and crevices of base board, behind sink wash tub and ice box, several times a week," (2) "Contents One Quart," and (3) "Contains Pyrethrum Extract," which statements were false and misleading as the product when used as directed would not kill flies, roaches, and all household insects, its odor would not keep out mosquitoes and flies, the package did not contain 1 quart, and the product did not contain pyrethrum extract.

The product was alleged to be further misbranded in that the labels affixed to the cans in the shipment of February 8, 1945, stated in part: (1) "Perfumed Tote Double Strength Positively Kills * * * Flies Roaches * * * Tote is by far the best obtainable preparation for instantly killing mosquitoes, flies, bed bugs, roaches and other insects and their eggs. * * * It is a destroyer of household insects * * *, (2) "For * * * Flies All windows and

doors should be closed, begin at farthest end of the room away from the door, spray towards the ceiling and cover every part of the room, keep door closed for a few minutes, this will kill all mosquitoes and flies, and the odor will keep others from entering * * *, and (3) "For Roaches Spray freely into all cracks and crevices of base board, behind sink, wash tub and ice box, several times a week. Kills * * * Flies Roaches," which statements were false and misleading as the product, when used as directed, would not kill flies and roaches, its odor would not keep out all mosquitoes and flies, it was not a double strength household insecticide, nor was it by far the best obtainable preparation for instantly killing mosquitoes, flies, bed bugs, roaches, and other insects and their eggs, nor would it destroy all household insects.

On June 24, 1946, a plea of guilty was entered and on July 3, 1946, a fine of \$300 was imposed.

2017. Adulteration and misbranding of "Nu-Way's Bleach." U. S. v. 246 one-half gallon containers, 80 one-gallon containers, and 2,048 quart containers, more or less, of "Nu-Way's Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2403. I. D. No. 13623.)

Examination of samples of "Nu-Way's Bleach" showed that the product was a sodium hypochlorite solution and contained 4.20 percent of sodium hypochlorite.

On April 20, 1946, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 246 one-half gallon containers, 80 one-gallon containers, and 2,048 quart containers, more or less, of "Nu-Way's Bleach," at Carthage, Mo., alleging that the product had been shipped in interstate commerce on or about September 26, 1945, by the Nu-Way Products Co., from Bristow, Okla., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since it was labeled "Active Ingredients: Sodium Hypochlorite 5.25% by Wt. Inert Ingredients 94.75% by Wt.," whereas the product contained less than 5.25 percent of sodium hypochlorite by weight and more than 94.75 percent inert ingredients by weight.

It was alleged that the product was misbranded in that the statements: "Active Ingredients: Sodium Hypochlorite 5.25% by Wt. Inert Ingredients 94.75% by Wt.," borne on the labels affixed to the containers of the product, were false and misleading and served to deceive and mislead the purchaser, since the product contained less than 5.25 percent sodium hypochlorite by weight and more than 94.75 percent inert ingredients by weight.

It was alleged that the product was further misbranded in that the statements, "Nu-Way's Bleach * * * Disinfects * * * As a * * * Disinfectant Add 1 oz. bleach for each 4 gallons cold water to prepare disinfecting solution 100 parts per million available chlorine," borne on the labels affixed to the containers of the product, were false and misleading and served to deceive and mislead the purchaser since the product did not give a disinfecting solution containing 100 parts per million available chlorine when diluted as directed.

On June 6, 1946, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2018. Adulteration and misbranding of "Whiz Pine Oil Disinfectant No. 500" and "No. 600 Whiz Pine Oil Disinfectant." U. S. v. R. M. Hollingshead Corporation, a corporation. Plea of guilty as to counts two, four, seven, and nine. Fine of \$1,200. (I. & F. No. 2407. I. D. Nos. 11384, 11860, 11887, 11888, and 12379.).

Examination of two samples of "Whiz Pine Oil Disinfectant No. 500" showed that one sample was adulterated and the other was adulterated and misbranded. Examination of three samples of "No. 600 Whiz Pine Oil Disinfectant" showed that they were misbranded and adulterated.

On November 18, 1946, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District

Court an information against R. M. Hollingshead Corporation, a corporation, alleging shipment in interstate commerce on or about September 6, 1945, December 5, 1945, and January 16, 1946, of quantities of a product known as "No. 600 Whiz Pine Oil Disinfectant" from Camden, N. J., to Scranton, Pa., Washington, D. C., and Scranton, Pa., respectively, and shipment on or about August 3, 1945, and December 5, 1945, of quantities of a product known as "Whiz Pine Oil Disinfectant No. 500" from Camden, N. J., to Baltimore, Md., and Washington, D. C., respectively. The products were allegedly adulterated and misbranded fungicides within the meaning of the Insecticide Act of 1910.

In count one relating to the September 6, 1945, shipment of "No. 600 Whiz Pine Oil Disinfectant", count six relating to the December 5, 1945, shipment of said product, and count eight relating to the January 16, 1946, shipment of said product, it was alleged that the product was adulterated in that an inert substance (water) had been substituted in part for the pine oil disinfectant claimed to be present.

In count two relating to the September 6, 1945, shipment of "No. 600 Whiz Pine Oil Disinfectant" it was alleged that the product was misbranded in that the labels affixed to the containers of the product stated in part "Pine Oil Disinfectant," whereas the product was not wholly a pine oil disinfectant but consisted of a mixture of pine oil disinfectant and water. The product was further alleged to be misbranded in that it consisted partially of an inert substance (water) which would not prevent, destroy, repel, or mitigate fungi (bacteria) and the product did not have the name and percentage amount of said inert ingredient stated on the label nor did the label bear a statement of the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count three relating to the August 3, 1945, shipment of "Whiz Pine Oil Disinfectant No. 500" it was alleged that the product was adulterated in that another substance (water) had been substituted in part for the pine oil disinfectant claimed to be present.

In count four relating to the August 3, 1945, shipment of "Whiz Pine Oil Disinfectant No. 500" it was alleged that the product was misbranded in that the labels affixed to the containers of the product stated, in part, "Pine Oil Disinfectant" and "128 Fl. Ozs. Litros 3.785," whereas said product was a mixture of pine oil disinfectant and water and the net contents of the containers was less than 128 fluid ounces and less than 3.785 liters. Said product was further alleged to be misbranded in that it consisted partially of inert substances (water and glycerine) which would not prevent, destroy, repel, or mitigate fungi (bacteria) and the product did not have the name and percentage of each of said inert ingredients stated on the label, nor did the label bear a statement of the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count five relating to the December 5, 1945, shipment of "Whiz Pine Oil Disinfectant No. 500" it was alleged that the product was misbranded in that the labels affixed to the containers of the product stated in part "128 Fl. Ozs. Litros 3.785," whereas the net contents of the containers was less than 128 fluid ounces and less than 3.785 liters.

In count seven relating to the December 5, 1945, shipment of "No. 600 Whiz Pine Oil Disinfectant" and in count nine relating to the January 16, 1946, shipment of said product, it was alleged that the product was misbranded in that the labels affixed to the containers of the product stated, in part, "Pine Oil Disinfectant" and "128 Fl. Ozs. Litros 3.785," whereas said product was a mixture of pine oil disinfectant and water, and the net contents of the containers was less than 128 fluid ounces and less than 3.785 liters. Said product was further alleged to be misbranded in that it consisted partially of an inert substance (water) which would not prevent, destroy, repel, or mitigate fungi (bacteria) and the product did not have the name and percentage amount of such inert ingredient stated on the label, nor did the label state the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

On February 20, 1947, the defendant, R. M. Hollingshead Corp., entered a plea of guilty to counts two, four, seven, and nine of the information, and on March 14, 1947, the Court imposed a fine of \$300 on each of said counts. Counts one, three, five, six, and eight were dismissed.

2019. Adulteration and misbranding of "Superior—Ready to Spray DDT." U. S. v. Louis Goldman, Justin D. Goldman, and Alvin I. Goldman, individuals, operating as copartners under the name of Superior Paint & Varnish Works. Case nolle prossed as to defendant Alvin I. Goldman. Plea of guilty as to Louis Goldman and Justin D. Goldman. Fine \$100. (I. & F. No. 2415. I. D. Nos. 11975 and 12863.)

Examination of two samples of "Superior—Ready to Spray DDT" showed that they consisted, respectively, of 72.4 percent and 69.2 percent of water, 3.4 percent and 3.9 percent of dichloro diphenyl trichloroethane, 24.2 percent and 26.9 percent of mineral oil, emulsifier, and perfume.

On May 2, 1947, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an information in the District Court against Louis Goldman, Justin D. Goldman, and Alvin I. Goldman, individuals, operating as copartners under the name of Superior Paint & Varnish Works, alleging shipment in interstate commerce, on or about September 14, and September 18, 1945, from Chicago, Ill., to Des Moines, Iowa, of two consignments containing a product known as "Superior—Ready to Spray DDT" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in count one that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, since it was labeled "Contains pure technical DDT 5% by Wt." and "Inert Ingredients 95% by Wt.," whereas the product contained less than 5 percent of pure technical DDT by weight.

In count two of the information it was alleged that the product was misbranded in that the statements: (1) "Superior—Ready to Spray DDT," (2) "Contains Pure Technical DDT 5% by Weight. Inert Ingredients 95%," and (3) "Superior—Ready to Spray DDT * * *. This solution when applied as a spray is effective against flies * * * ants, moths, bed bugs, roaches * * * water bugs, spiders, termites * * * etc. * * * This product is made with a water emulsion solution and will still be very effective if desired to reduce with water as low as 1½% solution for majority of insects. Important to use a fine atomized spray for best results," borne on the labels affixed to the containers of said product were false and misleading and would serve to deceive and mislead the purchaser of said product in that the product was not DDT (dichloro diphenyl trichloroethane), the product contained less than 5 percent pure technical dichloro diphenyl trichloroethane by weight, and the product when used as directed would not control flies, ants, moths, bedbugs, roaches, water bugs, spiders, termites, and all insects represented by the abbreviation "etc."

In count three of the information the product was alleged to be further misbranded in that the product consisted partially of an inert substance (water) which did not prevent, destroy, repel, or mitigate insects and the labels affixed to the jugs containing said product did not have the name and percentage amount of such inert ingredient stated thereon, nor did said labels bear a statement of the name and percentage amount of each ingredient having insecticidal properties and the total percentage of inert ingredients.

On October 28, 1947, upon the motion of the United States Attorney, the case was nolle prossed as to the defendant Alvin I. Goldman. Pleas of guilty were entered as to defendants Louis Goldman and Justin D. Goldman, and the Court imposed a fine of \$100 with costs.

2020. Adulteration and misbranding of "Rocket Insecticide Spray with D-D-T." U. S. v. 138 pint containers, more or less, "Rocket Insecticide Spray with D-D-T." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2418. I. D. No. 12153.)

Examination of samples of "Rocket Insecticide Spray with D-D-T" showed that the product consisted of mineral oil containing dichloro diphenyl trichloroethane, pyrethrum extract, and organic thiocyanates.

On August 2, 1946, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 138 pint containers, more or less, of "Rocket Insecticide Spray with D-D-T" at Collinsville, Ill., alleging that the product had been shipped in interstate commerce on or about April 18, 1945,

from St. Louis, Mo., by the Rocket Products Corp., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since the product was labeled "Contains 5% DDT, 2% Pyrethrum, * * *," whereas said product contained less than 5 percent DDT and less than 2 percent pyrethrum.

It was alleged that the product was misbranded in that the statements, (1) "With D-D-T * * * D-D-T, Kills Roaches, Mosquitoes, Ants, Fleas, Bed-bugs, Water Bugs, Etc." and (2) "contains 5% D-D-T, 2% Pyrethrum. * * *," borne on the labels affixed to the containers in which said product was packed, were false and misleading in that the letters "D-D-T" in each case standing out in bold, conspicuous type misled the purchasers into believing that the product consisted chiefly of DDT, or dichloro diphenyl trichloroethane as that name implies, and such statements represented that the product would kill all insects which may be included under the abbreviation "Etc." and that the product contained less than 5 percent DDT, "dichloro diphenyl trichloroethane," and not less than 2 percent "pyrethrum," whereas the product did not consist chiefly of DDT, "dichloro diphenyl trichloroethane," would not kill all the insects that may be included in the abbreviation "Etc." and did not contain 5 percent DDT and 2 percent pyrethrum.

On February 6, 1947, no claimant having appeared, decree of condemnation and forfeiture was entered, and the product was ordered destroyed.

2021. Adulteration and misbranding of "Lon-Dre' Bleach." U. S. v. 837 quart containers, more or less, of "Lon-Dre' Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2424. I. D. No. 13130.)

Examination of samples of "Lon-Dre' Bleach" showed that the product was a sodium hypochlorite solution and contained 4.45 percent of sodium hypochlorite.

On September 4, 1946, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 837 quart containers, more or less, of "Lon-Dre' Bleach" at Washington, D. C., alleging that the product had been shipped in interstate commerce by the Chlorinated Products Co., on or about April 19, 1946, from Baltimore, Md., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, since it was labeled "Active Ingredient (Sodium Hypochlorite) 5.25% Inert Ingredients 94.75%," whereas the product contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients.

It was alleged that the product was misbranded in that the statements: "Active Ingredient (Sodium Hypochlorite) 5.25% Inert Ingredients 94.75%," borne on the labels affixed to the containers of the product, were false and misleading and tended to deceive and mislead the purchaser since the product contained less than 5.25 percent sodium hypochlorite and more than 94.75 percent inert ingredients.

On December 10, 1946, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2022. Adulteration and misbranding of "Linco." U. S. v. 894 quart containers, more or less, of "Linco." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2429. I. D. No. 12753.)

Examination of samples of "Linco" showed that the product was a sodium hypochlorite solution and contained 3.03 percent of sodium hypochlorite.

On October 14, 1946, the United States Attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 894 quart containers, more or less, of "Linco" at Terre Haute, Ind., alleging that the product had been shipped in interstate commerce on or about January 10, 1946, by the Linco Products Co. from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, since the product was labeled "Active Ingredient Sodium Hypochlorite 4% by Wt. Inert Ingredients 96% by Wt.," whereas the product contained less than 4 percent sodium hypochlorite by weight and more than 96 percent inert ingredients by weight.

It was alleged that the product was misbranded in that the statements: "Active Ingredient Sodium Hypochlorite 4% by Wt. Inert Ingredients 96% by Wt.," borne on the labels affixed to the containers of the product, were false and misleading and would serve to deceive and mislead the purchaser since the said product contained less than 4 percent of sodium hypochlorite by weight and more than 96 percent of inert ingredients by weight.

On January 9, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be turned over to certain enumerated charitable institutions.

2023. Adulteration and misbranding of "Cenco Vera Pine Oil Disinfectant."

U. S. v. Mike Goldberg, trading as the Central Chemical Company. Plea of guilty. Fine \$250. (I. & F. No. 2441. I. D. No. 13714.)

An examination of a sample of "Cenco Vera Pine Oil Disinfectant" showed that it consisted of 61.7 percent pine oil, 26.5 percent water, 1.6 percent sodium oxide, and 10.2 percent fatty anhydride.

On September 17, 1947, the United States Attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against Mike Goldberg, trading as the Central Chemical Company, alleging shipment in interstate commerce on or about March 19, 1946, of a quantity of a product known as "Cenco Vera Pine Oil Disinfectant" from Dallas, Tex., to Stuttgart, Ark. The product was alleged to be an adulterated and a misbranded fungicide within the meaning of the Insecticide Act of 1910.

In count one, the product was alleged to be adulterated in that water had been substituted in part for the article "Cenco Vera Pine Oil Disinfectant," and the product's strength and purity therefore fell below the professed standard or quality under which it was sold.

In count two, said product was alleged to be misbranded in that it consisted partially of an inert substance (water) which would not prevent, destroy, repel, or mitigate fungi (bacteria), and the product did not have the name and percentage amount of such inert ingredient stated on the label, nor did the label bear a statement of the name and percentage amount of each and every ingredient having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count three, said product was further alleged to be misbranded in that the label affixed to the drum containing said product stated, in part, "Pine Oil Disinfectant" and "The Central Chemical Company certifies that this disinfectant conforms to all requirements of the standard adopted by the National Association of Insecticide and Disinfectant Manufacturers, Inc., and recorded as Commercial Standard CS-69-38 by the National Bureau of Standards of the United States Department of Commerce," whereas said product did not conform to the requirements of the standards specified.

On February 24, 1948, the defendant entered a plea of guilty, and the Court imposed a fine of \$250.

2024. Adulteration and misbranding of "Chloro-San." U. S. v. 966 quart containers, more or less, of "Chloro-San." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2443. I. D. No. 14612.)

Examination of a sample of "Chloro-San" showed that it contained 36.19 percent less sodium hypochlorite than was stated on the label.

On November 8, 1946, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 966 quart containers, more or less, of "Chloro-San" at Keokuk, Iowa, alleging that the product had been shipped in interstate commerce on or about September 4, 1945, from Springfield, Ill., by the C. G. Whitlock Co., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, since it was labeled "Sodium Hypochlorite 5.25 percent-by weight, Inert Ingredients 94.75 percent-by weight," whereas it contained less than 5.25 percent sodium hypochlorite by weight and more than 94.75 percent inert ingredients by weight.

It was alleged that the product was misbranded in that the statements, "Sodium Hypochlorite 5.25 percent-by weight, Inert Ingredients 94.75 percent-by weight" and "Disinfectant * * *" Available chlorine solution of 200 parts per million is prepared by adding 1 ounce Chloro-San to 2 gallons of water," borne on the labels affixed to the containers of the product, were false and misleading and would serve to deceive and mislead purchasers of said product, as said product contained less than 5.25 percent sodium hypochlorite by weight, more than 94.75 percent inert ingredients by weight, and 1 ounce of said product of the composition found when added to 2 gallons of water would not make a solution containing 200 parts per million of available chlorine or a solution strong enough to give efficient disinfection.

On April 5, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2025. Adulteration and misbranding of "Hermox Bleach." U. S. v. 2,394 quart containers, more or less, of "Hermox Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2445. I. D. No. 14160.)

Examination of "Hermox Bleach" showed that it contained 32.95 percent less sodium hypochlorite than was stated on the label.

On November 19, 1946, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 2,394 quart containers, more or less, of "Hermox Bleach," at Baton Rouge, La., alleging that the product had been shipped in interstate commerce, on or about February 21, 1946, from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910. The shipment was made by Fred Herman & Sons.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since it was labeled "Active Ingredient: Sodium Hypochlorite 5.25%—Inert Ingredients 94.75%," whereas it contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent inert ingredients.

It was alleged that the product was misbranded in that the statements, "Active Ingredient: Sodium Hypochlorite 5.25%—Inert Ingredients 94.75%" and "Disinfects—Germicide—Deodorizes * * * Disinfecting Solution for dairies, restaurants, soda fountains, hospitals, institutions, hotels, taverns, etc. After cleansing, use solution containing 200 parts available chlorine per million—add $\frac{1}{2}$ oz. hermox to each gal. of water," borne on the labels affixed to the containers in which the product was packed, were false and misleading and tended to deceive and mislead prospective purchasers since said product contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients, and the product, when used as directed, would not give a solution containing 200 parts per million of available chlorine, or a solution strong enough to effectively disinfect the places and articles listed.

On May 6, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2026. Adulteration and misbranding of "Four BBBB Bleach." U. S. v. 333 one-half-gallon containers, more or less, of "Four BBBB Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2448. I. D. No. 14614.)

An analysis of "Four BBBB Bleach" showed that it contained 23.8 percent less sodium hypochlorite than was stated on the label.

On November 22, 1946, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 333 one-half-gallon containers, more or less, of "Four BBBB Bleach" at Burlington, Iowa, alleging that the product had been shipped in interstate commerce, on or about October 4, 1945, from Peoria, Ill., and charging that the product was an adulterated and

misbranded fungicide within the meaning of the Insecticide Act of 1910. The shipment was made by the Central City Pickle Co. of Peoria, Ill.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since it was labeled "Active Ingredients: Sodium Hypochlorite 5.25% by weight. Inert Ingredients 94.75% by weight," whereas it contained less than 5.25 percent of sodium hypochlorite by weight and more than 94.75 percent inert ingredients, by weight.

It was alleged that the product was misbranded in that the statements, (1) "Active Ingredients: Sodium Hypochlorite 5.25% by weight—Inert Ingredients 94.75% by weight" and (2) "Disinfects * * * AS A DISINFECTANT: Thoroughly clean article. Immerse in a dilution containing 1 to 2 tablespoonfuls Bleach to each gallon of water. * * *," borne on the labels affixed to the containers, were false and misleading and served to deceive and mislead prospective purchasers since said product contained less than 5.25 percent sodium hypochlorite by weight, and more than 94.75 percent inert ingredients, by weight; and one tablespoonful of "Four BBBB Bleach" of the composition found would not give a solution strong enough to give effective disinfection.

On April 2, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2027. Adulteration and misbranding of "No-Me Brand Household Bleach." U. S. v. Lucido Brothers Grocery Company, a corporation. Plea of nolo contendere. Fine \$100 on each of four counts. (I. & F. No. 2450. I. D. Nos. 12008 and 13752.)

Examination of two samples of "No-Me Brand Household Bleach" showed that they contained 22.7 percent and 41.33 percent less sodium hypochlorite than was stated on the labels.

On January 17, 1947, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Lucido Brothers Grocery Co., a corporation, alleging shipments in interstate commerce, on or about September 4, 1945, and June 10, 1946, from St. Louis, Mo., to Alton, Ill., of quantities of "No-Me Brand Household Bleach" which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was misbranded in that the statements, "Active Ingredients (Sodium Hypochlorite) 5.25% By Wt., Inert Ingredients 94.75% By Wt.," borne on the labels of the containers in which the product was packed, were false and misleading and tended to deceive and mislead the purchaser since the product contained less than 5.25 percent of sodium hypochlorite by weight, and more than 94.75 percent inert ingredients by weight.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since it was labeled "Active Ingredients (Sodium Hypochlorite) 5.25% By Wt., Inert Ingredients 94.75% By Wt.," whereas the product contained less than 5.25 percent sodium hypochlorite by weight and more than 94.75 percent inert ingredients.

On February 7, 1947, the defendant corporation entered a plea of nolo contendere and was fined \$100 on each of four counts.

2028. Adulteration and misbranding of "Clorton Supersparkle." U. S. v. Ben Van Etten, doing business under the style and trade name of Clorton Chemical Company. Plea of guilty. Fine \$50. (I. & F. No. 2453. I. D. No. 12139.)

An examination of a sample of "Clorton Supersparkle" showed that the product consisted of 93.6 percent water, together with a small amount of soap and an organic compound, probably phenolic in nature.

On March 5, 1947, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an information in the District Court against Ben Van Etten, doing business under the style and trade name of the Clorton Chemical Co., alleging shipment in interstate commerce on or about January 7, 1946, from Benld, Ill., to St. Louis, Mo., of a quantity of "Clorton Supersparkle" which was adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

In count one of the information said product was alleged to be misbranded in that the product consisted partially of an inert substance (water) which did not

prevent, destroy, repel, or mitigate fungi (bacteria), and the label affixed to the jugs containing the product did not have the name and percentage amount of such inert ingredient stated thereon, nor did said label bear a statement of the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count two of the information said product was alleged to be misbranded in that the statements, "A sensational disinfecting RINSE for glass—and chinaware * * * Glassware—Directions For Two Tanks * * * Add one ounce (or three tablespoons) of Super Sparkle to every five gallons of water used. * * * Directions For One Tank Glasses can be washed and rinsed in one operation in one tank containing SUPER SPARKLE (1 ounce to 5 gallons of water) with or without Chlorine. For Hard Water Areas * * * Add one ounce SUPER SPARKLE for each two gallons of water; mix well. This strength solution is recommended by many Health Depts. for disinfecting surfaces which have been thoroughly cleansed in restaurants, taverns, soda fountains, dairies, etc.," borne on the labels affixed to the jugs containing said product, were false and misleading and would serve to deceive and mislead purchasers in that said product was not a disinfectant rinse when used as directed.

On April 11, 1947, the defendant entered a plea of guilty, and the Court imposed a fine of \$50.

2029. Misbranding of "Safeway 10% D. D. T. Insecticide Powder." U. S. v. Safeway Chemical Company. Plea of guilty. Fine \$200 and \$25 costs. (I. & F. No. 2455. I. D. Nos. 11124 and 12940.)

Examination of two samples of "Safeway 10% D. D. T. Insecticide Powder" showed them to be 17 percent and 7.5 percent short weight.

On March 11, 1947, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Safeway Chemical Co., a corporation, Cleveland, Ohio, alleging shipments in interstate commerce on or about April 12, 1946, and October 4, 1946, from Cleveland, Ohio, to Baltimore, Md., and Brooklyn, N. Y., of quantities of "Safeway 10% D. D. T. Insecticide Powder" which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the labels affixed to the cartons containing said product stated, in part, "contents 2 oz." which statement was false and misleading and would serve to deceive and mislead purchasers of said product in that the net content of the cartons was less than 2 ounces.

On March 24, 1947, a plea of guilty was entered and the defendant was fined \$100 on each of two counts, together with costs of \$25.

2030. Adulteration and misbranding of "Roman Cleanser." U. S. v. 2,088 quart containers, 894 one-half gallon containers, and 432 quart containers, more or less, of "Roman Cleanser." Consent decree of condemnation, forfeiture, and destruction of product and release of containers. (I. & F. No. 2457. I. D. Nos. 14055, 14056, and 14057.)

Examination of samples of "Roman Cleanser" showed that it was a sodium hypochlorite solution and that the one-half gallon containers contained 3.02 percent sodium hypochlorite, and the quart containers contained 2.91 percent and 4.58 percent sodium hypochlorite.

On March 5, 1947, the United States Attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 2,088 quart containers, 894 one-half gallon containers, and 432 quart containers, more or less, of "Roman Cleanser" at South Bend, Ind., alleging that the product had been shipped in interstate commerce on or about February 7, 1947, and October 23, 1946, from Detroit, Mich., by Roman Cleanser Co., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since the product was labeled "Ingredients: Active, Sodium Hypochlorite 5.25%; Inert, 94.75%," whereas the product contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent inert ingredients.

It was alleged that the product was misbranded in that the statements, (1) "Ingredients: Active, Sodium Hypochlorite 5.25%; Inert, 94.75%" and (2) "Disinfecting solution of 500 parts per million available chlorine is made by

adding one part Roman Cleanser to 99 parts water approx. $\frac{1}{2}$ cup to 3 gallons. (Other dilutions proportionate)," borne on the labels affixed to the containers in which said product was packed, were false and misleading and would serve to deceive and mislead the purchaser since the product contained less than 5.25 percent sodium hypochlorite and more than 94.75 percent inert ingredients and one part of said product added to 99 parts of water did not give a disinfecting solution containing 500 parts per million of available chlorine.

On July 11, 1947, the Roman Cleanser Co., a corporation, having appeared as claimant, a consent decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed and that the containers in which the product was packed should be returned to the Roman Cleanser Co.

2031. Adulteration and misbranding of "White Monday." U. S. v. 309 one-half gallon containers and 318 quart containers, more or less, of "White Monday." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2459. I. D. Nos. 14060 and 14061.)

Examination of two samples of "White Monday" showed that the product was a sodium hypochlorite solution, and contained 3.79 percent and 3.56 percent of sodium hypochlorite.

On March 19, 1947, the United States Attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 309 one-half gallon containers and 318 quart containers, more or less, of "White Monday" at Marion, Ind., alleging that the product had been shipped in interstate commerce on or about February 15, 1946, from Toledo, Ohio, by the St. Clair Manufacturing Co., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since the product was labeled "Active Ingredient Sodium Hypochlorite 4.25%", "Inert Ingredients 95.75%," whereas the product contained less than 4.25 percent of sodium hypochlorite and more than 95.75 percent inert ingredients.

It was alleged that the product was misbranded in that the statements, "Active Ingredient Sodium Hypochlorite 4.25%," "Inert Ingredients 95.75%," borne on the labels affixed to the containers in which said product was packed, were false and misleading and would serve to deceive and mislead the purchaser since the product contained less than 4.25 percent sodium hypochlorite and more than 95.75 percent inert ingredients.

On May 12, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2032. Adulteration and misbranding of "Sno-White Laundry Bleach." U. S. v. 2,994 quart containers, more or less, of "Sno-White Laundry Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2472. I. D. No. 15856.)

Examination of samples of "Sno-White Laundry Bleach" showed that it was a sodium hypochlorite solution, and contained 3.92 percent of sodium hypochlorite.

On July 25, 1947, the United States Attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 2,994 quart containers, more or less, of "Sno-White Laundry Bleach" at Fargo, N. Dak., alleging that the product had been shipped in interstate commerce, on or about August 5, 1946, from Minneapolis, Minn., by Winston & Newell Co., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold since it was labeled "Active Ingredient (sodium hypochlorite) 5.25%, Inert Ingredients 94.75%," whereas it contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients.

It was alleged that the product was misbranded in that the statements, "Active Ingredient (sodium hypochlorite) 5.25%, Inert Ingredients 94.75%" and "Sno-White laundry bleach removes stains—sterilizes—bleaches—cleans," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser since the product contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients, and said product

was not a sterilizing agent and would not sterilize the surfaces of the articles and places mentioned on the label when used as directed.

On October 27, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2033. Adulteration and misbranding of "Lure-Kill-Wafers." U. S. v. 6,282 boxes, more or less, of "Lure-Kill-Wafers." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2485. I. D. No. 15678.)

On October 21, 1947, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 6,282 boxes, more or less, of "Lure-Kill-Wafers" at Baltimore, Md., alleging that the product had been shipped in interstate commerce on or about July 29, 1946, and April 2, 1947, from Washington, D. C., by the Farm & Home Products Co., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the statements, "ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (D. D. T.) 15%, INERT INGREDIENTS: 85%, Total 100%," borne on the labels affixed to the boxes in which said product was packed, purported that said product contained not less than 15 percent dichloro-diphenyl-trichloroethane (D. D. T.), and not more than 85 percent inert ingredients, whereas said product contained less than 15 percent dichloro-diphenyl-trichloroethane (D. D. T.), and more than 85 percent inert ingredients.

Said product was alleged to be misbranded in that the statements, (1) "LURE-KILL-WAFERS Contains 15% DDT * * *, ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (D. D. T.) 15%, INERT INGREDIENTS: 85%, Total 100%," and (2) "LURE-KILL-WAFERS * * * Lures and Kills Roaches, Flies, Ants, Mosquitoes, and Silverfish * * * Directions for Use: Simply distribute the Discs on kitchen shelves, window frames, under sink or stove, or wherever insects may crawl or fly," borne on the labels affixed to the boxes in which the product was packed, were false and misleading as said product contained less than 15 percent of dichloro-diphenyl-trichloroethane, and more than 85 percent inert ingredients, and the product when used as directed would not lure the insects specified and would not kill roaches, flies, ants, mosquitoes, and silverfish.

On December 10, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2034. Adulteration and misbranding of "Rug Glo." U. S. v. 8,736 eight-ounce packages, more or less, of "Rug Glo." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2486. I. D. No. 15677.)

On October 24, 1947, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 8,736 eight-ounce packages, more or less, of "Rug Glo" at Baltimore, Md., alleging that the product had been shipped in interstate commerce by the Farm & Home Products Co. on or about August 29, 1947, from Washington, D. C., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the statements: "Contains 5% DDT * * * ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (DDT) 5%, INERT INGREDIENTS: 95%, Total 100%," borne on the labels affixed to the packages in which the product was packed, represented that the product contained not less than 5 percent dichloro-diphenyl-trichloroethane (DDT) and not more than 95 percent of inert ingredients, whereas the product contained less than 5 percent dichloro-diphenyl-trichloroethane (DDT) and more than 95 percent inert ingredients.

It was alleged that the product was misbranded in that the statements: (1) "Net weight when packed—8 oz," (2) "Contains 5% DDT * * * ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (DDT), 5% INERT INGREDIENTS: 95%, Total 100%," and (3) "Rug Glo for * * * Moth-Proofing Rugs and Carpets * * * kills moths, carpet beetles, silverfish, and other insects. RUG GLO is the only product on market that moth proofs and cleans at the same time. Can be entirely spread on rug or carpet and then

removed. Does not have to remain on rug for hour or overnight. It does not evaporate or lose its qualities on exposure to air. One eight-ounce can of RUG GLO should last six months, on monthly applications on a 9 x 12 rug. * * * If put on floor under rug will moth proof the rug or carpet. If put on rug and stored will keep it mothproof. Can be removed from rug either by carpet sweeper, broom or vacuum cleaner. * * * Directions for using RUG GLO Sprinkle light film of powder over entire rug or carpet. Scrub in with bristle brush. Brush out with broom, carpet sweeper or vacuum cleaner," borne on the labels affixed to the packages in which the product was packed, were false and misleading as the net weight of said product was less than 8 ounces, said product contained less than 5 percent dichloro-diphenyl-trichloroethane (DDT) and more than 95 percent inert ingredients, and said product when used as directed would not kill all insects other than those specified and would not mothproof rugs and carpets.

On December 10, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2035. Adulteration and misbranding of "Rug Glo." U. S. v. 1,341 eight-ounce packages, more or less, of "Rug Glo." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2487. I. D. No. 14539.)

On October 24, 1947, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 1,341 eight-ounce packages, more or less, of "Rug Glo" at Baltimore, Md., alleging that the product had been shipped by the Farm and Home Products Company in interstate commerce, on or about November 26, 1946, from Washington, D. C., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the statements, "ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (DDT) 5%, INERT INGREDIENTS: 95%, ----- 100%," borne on the labels affixed to the packages in which the product was packed, purported that the product contained not less than 5 percent dichloro-diphenyl-trichloroethane (DDT), and not more than 95 percent inert ingredients, whereas said product contained less than 5 percent dichloro-diphenyl-trichloroethane (DDT), and more than 95 percent inert ingredients.

It was alleged that the product was misbranded in that the statements: (1) "ACTIVE INGREDIENTS: Dichloro-diphenyl-trichloroethane (DDT), 5%, INERT INGREDIENTS 95%, ----- 100%," and (2) "Rug Glo for * * * Moth-Proofing Rugs and Carpets * * * kills moths, carpet beetles, silverfish, and other insects. Rug Glo is the only product on market that moth proofs and cleans at the same time. Can be entirely spread on rug or carpet and then removed. Does not have to remain on rug for hour or overnight. It does not evaporate or lose its qualities on exposure to air. One eight-ounce can of Rug Glo should last six months, on monthly applications on a 9 x 12 rug. * * * If put on floor under rug will moth proof the rug or carpet. If put on rug and stored will keep it moth-proof. Can be removed from rug either by carpet sweeper, broom or vacuum cleaner. * * * Directions for using Rug Glo Sprinkle light film of powder over entire rug or carpet. Scrub in with bristle brush. Brush out with broom, carpet sweeper or vacuum cleaner," borne on the labels affixed to the packages in which the product was packed, were false and misleading as said product contained less than 5 percent dichloro-diphenyl-trichloroethane (DDT) and more than 95 percent inert ingredients, and when used as directed would not kill all insects other than those specified, and would not mothproof rugs and carpets.

On December 10, 1947, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2036. Adulteration and misbranding of "Moon-Shine Washing Fluid." U. S. v. 564 quart bottles, more or less, of "Moon-Shine Washing Fluid." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2488. I. D. No. 14944.)

An analysis of a sample of "Moon-Shine Washing Fluid" showed that the product was a sodium hypochlorite solution and contained 4 percent of sodium hypochlorite.

On March 29, 1948, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 564 quart bottles, more or less, of "Moon-Shine Washing Fluid," at Barnesville, Ohio, alleging that the product had been shipped in interstate commerce on or about October 22, 1946, by the Moon-Shine Chemical Company from Pittsburgh, Pa., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold in that the labels affixed to the bottles in which the product was packed, stated, in part: "INGREDIENTS WHEN BOTTLED: ACTIVE INGREDIENTS SODIUM HYPOCHLORITE 5.25% BY WT. INERT INGREDIENTS 94.75% BY WT. Available Chlorine 5.25% by wt." which statements represented that the product contained not less than 5.25 percent of sodium hypochlorite by weight, and not more than 94.75 percent inert ingredients by weight, and that available chlorine was present in an amount not less than 5.25 percent by weight, whereas the product contained less than 5.25 percent sodium hypochlorite by weight, and more than 94.75 percent inert ingredients by weight, and less than 5.25 percent available chlorine by weight.

On May 12, 1948, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the product was ordered to be destroyed.

✓ 2037. Misbranding of "Crown Odorless Insect Spray"; adulteration and misbranding of "Crown Insecticide Contains 5% DDT"; adulteration and misbranding of "Crown Roach Powder." U. S. v. Harry W. David, Agnes L. David, Bernard R. Freudenthal, and Elsa L. Freudenthal, individuals, doing business as copartners under the style and trade name of "Chemical Service of Baltimore." Plea of guilty. Fine \$100. (I. & F. No. 2489. I. D. Nos. 15609, 15610, and 15611.)

An examination of a sample of "Crown Odorless Insect Spray" showed that the product consisted of 0.04 percent dichloro diphenyl trichloroethane (DDT) and 0.12 percent pyrethrins in a mineral oil base. An examination of a sample of "Crown Insecticide Contains 5% DDT" showed that this product contained 1.68 percent dichloro diphenyl trichloroethane (DDT) in a mineral oil base. An examination of "Crown Roach Powder" showed that this product contained 4.74 percent dichloro diphenyl trichloroethane, 76.83 percent sodium fluoride, an organic matter carrying pyrethrins, an organic chloride, a dye, and a small amount of sesame oil.

On August 24, 1948, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against Harry W. David, Agnes L. David, Bernard R. Freudenthal, and Elsa L. Freudenthal, individuals, doing business as copartners under the style and trade name of "Chemical Service of Baltimore," alleging shipment in interstate commerce on or about March 3, March 27, and April 10, 1947, from Baltimore, Md., to Washington, D. C., of three products known as "Crown Odorless Insect Spray" which was a misbranded insecticide and "Crown Insecticide Contains 5% DDT" and "Crown Roach Powder" which were adulterated and misbranded insecticides within the meaning of the Insecticide Act of 1910.

In count one of the information the product "Crown Odorless Insect Spray" was alleged to be misbranded in that the labels affixed to the containers in which the product was packed stated, in part: "Crown Odorless Insect Spray * * * This spray is recommended for spraying on walls, screens, floors, or other large areas. It is * * * a * * * residual spray. It is effective against Flies, Mosquitoes, Ants, Moths, Bedbugs, Roaches, Waterbugs, and Fleas. Spray or paint the solution over entire infected area * * *. On drying, a residue of DDT will be left on the surface giving a prolonged residual action," which said statements were false and misleading in that the product when used as directed did not give a prolonged residual action against the insects named.

In count two of the information the product "Crown Insecticide Contains 5% DDT" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the label affixed to the product stated, in part: "Contains 5% DDT * * *. Containing 5% DDT," whereas said product did not contain 5 percent DDT (dichloro diphenyl trichloroethane).

In count three the product "Crown Insecticide Contains 5% DDT" was alleged to be misbranded in that the labels affixed to the containers in which said product was packed stated, in part: "Crown Insecticide * * * AA Grade Insecticide * * * This spray is recommended for spraying on walls, screens, floors, or other large areas. It is * * * a * * * residual spray." "It is effective against * * * Ants * * * Roaches, Waterbugs * * * Spray or paint the solution over entire infected area. It gives immediate knockdown and 100% kill. On drying, a residue of DDT will be left on the surface giving a prolonged residual action," which said statements were false and misleading as the product was not a Grade AA' fly spray and when used as directed would not give a prolonged residual action against ants, roaches, and water bugs.

In count four the product "Crown Roach Powder" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the label affixed to the containers in which said product was packed stated, in part: "(Containing 10% DDT.) Active Ingredients 13.38%. Dichloro diphenyl trichloroethane 10.0%. Petroleums hydrocarbons 3.00%. Sesamin Concentrate .30%. Pyrethrins .08%. Inert Ingredients 86.62%," whereas said product did not contain 10 percent dichloro diphenyl trichloroethane (DDT).

In count five the product "Crown Roach Powder" was alleged to be misbranded in that the labels affixed to the containers in which the product was packed stated, in part: "(Containing 10% DDT) Active Ingredients 13.38%. Dichloro diphenyl trichloroethane 10.0%. Petroleums hydrocarbons 3.00%. Sesamin Concentrate .30%. Pyrethrins .08%. Inert Ingredients 86.62%—Total 100.00%," which statements were false and misleading in that said statements were not a correct "ingredient statement" as the product did not contain 10 percent DDT, and the product also contained a considerable amount of sodium fluoride which should have been listed as an active ingredient.

On October 22, 1948, the defendants entered a plea of guilty to each of the five counts of the information, and a fine of \$20 was assessed on each count, making a total of \$100.

2038. Adulteration and misbranding of "Macy's Insect Spray." U. S. v. Ultra Chemical Works, Incorporated, a corporation. Plea of guilty. Fine \$301. (I. & F. No. 2490. I. D. No. 15591.)

An examination of a sample of "Macy's Insect Spray" showed that it contained 2.6 percent of dichloro diphenyl trichloroethane and 2.08 percent of terpene thiocyanacetate, in a mineral oil base.

On August 6, 1948, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Ultra Chemical Works, Inc., a corporation, alleging shipment in interstate commerce on or about July 3, 1947, from Paterson, N. J., to New York City, N. Y., of a quantity of a product known as "Macy's Insect Spray" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one the product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold as the containers in which said product was packed were labeled, in part, as follows: "Contains 5% DDT Ingredients Dichloro diphenyl trichloroethane 5%, Terpene thiocyanacetate 4% * * * contains 5% DDT (Dichloro diphenyl trichloroethane)," whereas said product contained less than 5 percent DDT and less than 4 percent terpene thiocyanacetate.

In count two the product was alleged to be misbranded in that it contained less than the 5 percent DDT and less than the 4 percent terpene thiocyanacetate which the labels alleged to be present.

On September 20, 1948, the defendant entered a plea of guilty to the two counts of the information, and was fined 1 dollar on count one and \$300 on count two, making a total of \$301.

2039. Adulteration and misbranding of "Whitex Washing Solution." U. S. v. 475 cases of 12 one-quart bottles, more or less, of "Whitex Washing Solution." Consent decree of condemnation, forfeiture, and destruction of product, and release of containers. (I. & F. No. 2383. I. D. No. 10972.)

Examination of "Whitex Washing Solution" showed that the product was a sodium hypochlorite solution containing an average of 3.82 percent of sodium

hypochlorite and that when 1 ounce of the product was added to 4 gallons of cold water it would not result in the preparation of a disinfecting solution containing 100 parts per million available chlorine.

On May 4, 1945, the United States Attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 475 cases of 12 one-quart bottles, more or less, of "Whitex Washing Solution" at Texarkana, Tex., alleging that the product had been shipped in interstate commerce on or about March 10, 1945, from North Little Rock, Ark., by Nu-Way Products Co., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that the statements: "Active Ingredients Sodium Hypochlorite 5.25%, Inert Ingredients 94.75%," borne on the labels affixed to the bottles containing the product, represented that the product possessed a standard or quality of not less than 5.25 percent sodium hypochlorite and not more than 94.75 percent inert ingredients, whereas the strength or purity of the product fell below said standard or quality in that the product contained less than 5.25 percent sodium hypochlorite and more than 94.75 percent inert ingredients.

It was alleged that the product was misbranded in that the statements: (1) "Active Ingredients Sodium Hypochlorite 5.25%, Inert Ingredients 94.75%" and (2) "Whitex * * * Disinfects * * * As A * * * Disinfectant Add 1 ounce bleach for each 4 gallons of cold water to prepare disinfecting solution 100 parts per million Available Chlorine," borne on the labels affixed to the containers of the product, were false and misleading in that the product contained less than 5.25 percent sodium hypochlorite and more than 94.75 percent inert ingredients and would not give a disinfecting solution containing 100 parts per million available chlorine when diluted as directed.

Nu-Way Products Company of North Little Rock, Ark., claimed ownership of the product, requested its release under bond pursuant to the act, and consented to the entry of a condemnation decree.

On July 20, 1945, a decree of condemnation and forfeiture was entered, and it was subsequently ordered that the condemned product be delivered to the Federal Correctional Institution, Texarkana, Tex., for removal of the product from its containers and use of the product by such institution, and that the empty containers be delivered to the Nu-Way Products Company.

2040. Misbranding of "Sterel." U. S. v. 4,797, more or less, dispensers of "Sterel." Consent decree of condemnation, forfeiture, and release under bond. (I. & F. No. 2461. I. D. Nos. 955 and 956.)

Examination of "Sterel" showed that the product was an automatic pressure atomizer containing glycol, isopropyl alcohol, cetyl trimethyl ammonium bromide, mineral oil, and a propellant.

On April 7, 1947, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 4,797, more or less, dispensers of "Sterel" at Washington, D. C., alleging that the product had been shipped in interstate commerce on or about November 30, 1946, and December 14, 1946, from Neodesha, Kans., by Airosol, Inc., and charging that the product was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was misbranded in that the labels of the product and circulars accompanying the product bore the following statements which were false and misleading: "Sterel Kills Active Germs in the Air * * * on Surfaces * * * New Easy Way to use Powerful Germicide with Double-Action * * * Protects Health—Reduces Contamination of Food Greatly reduces the danger of infection from bacteria, fungi and viruses in the air and on surfaces. For treating air, spray 8 to 10 seconds per 1000 cu. ft. (10' x 10' x 10'). For treating surfaces (should be clean and dry) spray lightly from a distance of about 1 foot" and "Sterel Kills Active Germs in the Air * * * on Surfaces Now, A New, Easy Way to Use Double-Action Germicide in Automatic Atomizer * * * Keep your Home 'Hospital Pure' Medical Science has proved that one of the basic ingredients used in Sterel is * * * 300 Times More Effective than Carbolic Acid as a Germ Killer! * * * Bacteria, fungi and viruses which cause common diseases are known to be in the air and on surfaces of occupied rooms. Now * * * by this new, easy method you can use this proved powerful double-action germicide as a safeguard for your family against

infection, and to reduce the contamination of food. Kills Active Germs in the Air—on Surfaces. * * * Proved Powerful Germicide for Home Use * * * Kill Active Germs the Scientific Way In Your Home. * * * In the Sick-Room—Purify the air and kill active germs on the equipment used in the sick-room to help prevent additional infections, and protect those who enter. For best results, surfaces should be clean and dry before spraying. In The Nursery—Reduce the concentration of living, disease-bearing organisms. You can use Sterel safely in the air and on Baby's crib, play pen, toys, bath, training chair, high chair. Bathtubs, Showers, Toilets—A bathroom can be the source of many pathogenic organisms. Keep your bathroom germ-free and fresh by cleaning fixtures and tile floor, then spraying with Sterel. * * * Food Storage Areas—To reduce contamination of food, spray inside empty refrigerator, breadbox and other containers used for storing food. Make sure surfaces are clean and dry before spraying. Avoid spraying on food. In The Kitchen—Bacteria and fungi thrive in moist places. Keep drainboard, sinks, and other areas subjected to moisture, fresh and clean, by spraying daily with Sterel. Spray inside and around garbage can each time it is emptied. Doorknobs, Telephones, Bannisters—should be frequently treated with Sterel to protect children and adults against disease-bearing bacteria. Combs, Brushes, Razors—scissors, toothbrush holders * * * are often a source of infections. Daily habits of personal cleanliness now include a quick spraying of toilet articles with Sterel. Extra Protection During Epidemics—Sterel can be your first line of defense against many common ills which are transmitted through the air.—Spray in shoes and on hosiery to reduce danger of infection or reinfection of feet. * * * To kill air-borne active germs, it is necessary to spray Sterel frequently as the air is constantly changing and being contaminated by people talking, sneezing, and coughing. The Germicidal Effect of Sterel on Surfaces Lasts for an Extended Period of Time. The fine Sterel mist penetrates into cracks and crevices, nooks and corners—the places where germs may lurk and multiply, and where you cannot reach them satisfactorily with the usual methods of applying liquid disinfectants. * * * Helps Keep your Home Germ-Free * * * Reduces the Contamination of Food * * * Reduces Danger of Infections."

It was alleged that the product was not a sterilizing agent as the name "Sterel" implied; that it did not kill all active germs in the air and on surfaces, was not a powerful or proved double-action germicide, and could not be relied upon to protect health or safeguard against infection when used as directed; and that it would not greatly reduce the danger of infection from bacteria, fungi, or viruses in the air or on surfaces, give extra protection against infection during epidemics, kill infectious fungi found on shoes and stockings, or serve as the first line of defense against common air-borne infections as claimed. It was alleged further that the product would not keep the bathroom germ-free or help keep the home germ-free or purify the air in the sickroom as claimed: and that it could not be relied upon to act as a germicide to disinfect such articles as combs, brushes, razors, scissors, toothbrush holders, kitchen utensils, sickroom equipment, bathroom fixtures, bannisters, doorknobs, telephones, nursery equipment, or childrens' toys when applied in the manner outlined.

The Airosol Company, a firm composed of Joseph Skubitz and Joel D. Blackmon, of Washington, D. C., Joseph Skubitz, individually, Joel D. Blackmon, individually, and Airosol, Inc., a Kansas Corporation of Neodesha, Kans., claimed ownership of the product and requested its release under bond pursuant to the act, and consented to the entry of a condemnation decree.

On October 15, 1948, a decree of condemnation and forfeiture was entered and it was ordered that the product be released to the claimants under bond for the purpose of salvaging the containers of the product and destroying the contents and removing or obliterating the labels thereof.

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